

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
TEXARKANA DIVISION

KENNETH KEENER

PLAINTIFF

VS.

Case No. 04-CV-4021

DOMTAR INDUSTRIES, INC.

DEFENDANT

**ORDER**

On April 5, 2006, Defendant Domtar Industries, Inc. (“Domtar”) filed a Bill of Costs and an Application for Bill of Costs. (Docs. 53 & 54) Plaintiff Kenneth Keener has responded. (Doc. 56) On March 30, 2006, the jury returned a verdict for Domtar. Domtar now claims \$1,594.05 as costs. Kenner responds that an award of costs is discretionary and that Domtar is in a better position to bear costs. Rule 54(d) states, “[C]osts ... shall be allowed as of course to the prevailing party unless the court otherwise directs ... [.]” The Court finds Domtar should be awarded costs in this matter since it prevailed at trial. In its discretion, the Court will not allow Domtar to recover the claimed \$395.00 for videotaping Kenner’s deposition. The Court orders the Clerk to tax costs in favor of Domtar in the amount of \$1,199.05.

IT IS SO ORDERED, this 21<sup>st</sup> day of June, 2006.

---

/s/ Harry F. Barnes

Hon. Harry F. Barnes  
U.S. District Court